Supreme Court, U.S.
FILED
AUG 1 1996
OFFICE OF THE CLERK

NO. 95-1598

IN THE

Supreme Court of the United States

OCTOBER TERM, 1995

LEROY L. YOUNG AND
ATTORNEY GENERAL OF OKLAHOMA,
Petitioners,

v.

ERNEST EUGENE HARPER,
Respondent.

On Writ of Certiorari to
The United States Court of Appeals
For The Tenth Circuit

JOINT APPENDIX

W.A. DREW EDMONDSON
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Counsel for Respondent

PETITION FOR CERTIORARI FILED APRIL 4, 1996
CERTIORARI GRANTED MAY 28, 1996

30 PP

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The Opinion of the United States Court of Appeals for the Tenth Circuit is not included in this Joint Appendix. The Opinion, together with the other Orders and Opinions of the Courts, was reprinted in the Petition for Writ of Certiorari.

RELEVANT DOCKET ENTRIES

DATE	ENTRY
December 6, 1993	Response to Petition for Writ of Habeas Corpus.
June 20, 1994	Motion by Ernest Eugene Harper for appointment of counsel.
August 25, 1994	Response to Order dated July 28, 1994.
January 9, 1995	Order of District Court for Northern District of Oklahoma denying Petition for Writ of Habeas Corpus.
August 30, 1995	Order of Tenth Circuit Court of Appeals reversing and remanding the Order of the Northern District of Oklahoma.
September 15, 1995	Petition for Rehearing and suggestion for rehearing *en banc*.
September 25, 1995	Order of Tenth Circuit Court of Appeals granting leave to file late petition for rehearing.
February 13, 1996	Order of Tenth Circuit Court of Appeals denying rehearing and suggestion for rehearing *en banc*.

February 21, 1996	Order of Tenth Circuit Court of Appeals issuing mandate.
February 26, 1996	Motion to recall and stay the mandate.
February 28, 1996	Order of District Court for Northern District of Oklahoma pursuant to opinion of Tenth Circuit dated August 30, 1995, that the Oklahoma Department of Corrections shall forthwith reinstate Petitioner Ernest Eugene Harper to the Pre-Parole Conditional Supervision Program (PPCS). Otherwise the Court will issue the writ of habeas corpus. While on the PPCS program, Petitioner shall not be removed therefrom without compliance with the due process procedure mandated by the Tenth Circuit Court of Appeals. Respondent to submit status report within twenty days.
February 28, 1996	Order of Tenth Circuit Court of Appeals correcting the order issued February 13, 1996 denying the Petition for Rehearing to reflect that five judges would grant a rehearing.

March 6, 1996	Order of Tenth Circuit Court of Appeals wherein mandate was recalled and stayed until final disposition by the United States Supreme Court.
March 6, 1996	Status report filed pursuant to district court Order of February 28, 1996 advising that on February 26, 1996 Motion to Recall Mandate and Application for Stay was filed in Tenth Circuit Court of Appeals, and that Petitioner had not been reinstated to PPCS and Respondent requests not to be ordered to reinstate Petitioner until ruling by the Tenth Circuit Court of Appeals.
April 4, 1996	Petition for Writ of Certiorari filed in United States Supreme Court.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

No. 93-C-948-E

Ernest Eugene Harper,

Petitioner,

v.
Leroy L. Young, et al.

Respondent.

(Exhibit A to Response Filed 12/6/93)

ORIENTATION FOR PRE-PAROLE CONDITIONAL SUPERVISION

This orientation is provided to insure that each Offender is aware of the rule, responsibilities, expectations and possible consequences of not meeting these obligations.

DATE	INITIALS OFFENDER/STAFF		
10/16/90	E.H./J.B.D	1.	Reviewed, signed, and given copy of Rules and Conditions of Pre-Parole Conditional Supervision.
10/16/90	E.H./J.B.D.	2.	Reviewed violations of Rules and Conditions of Pre-Parole Conditional Supervision and possible results of such.

10/16/90	E.H./J.B.D.	3.	Reviewed financial obligations to include program support fees, trust fund account, restitution, etc.
10/16/90	E.H./J.B.D	4.	Reviewed medical procedures to include explanation that attending a private physician, with the exception of emergencies, will result in the Offender being responsible for all costs incurred. Also explained that the Offender may be returned to a DOC facility should medical needs necessitate.
10/16/90	E.H./J.B.D.	5.	Advised of goals of Pre-Parole Community Supervision.
10/16/90	E.H./J.B.D.	6.	Received reporting instructions and explanations of instructions.
10/16/90	E.H./J.B.D.	7.	Received Monthly Report Form with reporting date for first office visit.
10/16/90	E.H./J.B.D.	8.	Reviewed supervision and program review expectations to include contents of case plan.
10/16/90	E.H./J.B.D.	9.	Reviewed options available in the event of parole denial.

10/16/90	E.H./J.B.D.	10. Advised of Employment and Housing assistance availability.
10/16/90	E.H./J.B.D.	11. Advised if not employed within 30 days to be considered Program Failure.
1/16/90	E.H./J.B.D.	12. Advised of hours of operation.

I have received orientation in the above listed areas. I further understand that being classified to community level depends upon my compliance with each of these expectations. I understand that I may be directed to report any time and that failure to do so will result in escape procedures being initiated.

/S/ Ernest Harper 92301	10/16/90
Offender Name and Number	Date
/S/ Jack B. Davis	10/16/90
Employee Signature	Date

cc: District Office
Field File
Offender

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(Title Omitted in Printing)

(Exhibit A to Response Filed 12/6/93)

RULES AND CONDITIONS OF PRE-PAROLE CONDITIONAL SUPERVISION

1. I will report as directed to the orientation scheduled on the date, time and place directed.

2. I will obey all city, state and federal laws. I will not own or possess a firearm or travel in a vehicle containing a firearm belonging to me or anybody else. I understand that at any time or place, I am subject to search. In addition, my vehicle and any property under my control is subject to search.

3. I will not, under any circumstances, leave the State of Oklahoma. I must obtain permission before leaving my county of residence.

4. Omitted in original.

5. I will report as directed by my officer in person and in writing on the forms provided by my officer. I understand my officer will visit me at home, work, or any other place without restriction to time. I also understand that I may be required to wear an electronic security monitoring device.

6. I will not use or possess drugs other than those legally prescribed by a physician. I will not use alcohol nor go onto the premises of places where alcoholic beverages are served to include; beer parlors, taverns, clubs, group meetings or parties where alcoholic beverages are served. I will submit to urinalysis or other forms of drug detection.

7. I will not lie or misrepresent the truth to any member of the Pardon and Parole Board, any employee of the Department of Corrections or any official of the government.

8. I understand that I am required to maintain full time employment unless involved in an approved full-time educational/vocational program. If unemployed, I will be required to be actively searching for employment and provide verification of search to my officer.

9. I will pay program support fees of $20.00 per month payable only in cashiers check or money order to the Department of Corrections.

10. I will not apply for any public, private or governmental assistance without prior written approval by my officer.

11. I understand that I am subject to curfew restrictions which shall be determined by my officer. If required, I will carry on my person at all times an itinerary approved by my officer in advance.

12. I will not enter into any charge accounts or credit applications for loans other than for educational expenses.

13. I understand that according to state statute, if I cannot be located for a twenty-four (24) hour period, I will be considered escaped. I hereby waive all extradition rights and agree to return to the State of Oklahoma and the Department of Corrections when directed.

14. I understand that waiving parole while on pre-parole status will result in reclassification to higher security status.

15. I will actively participate in the developed case plan and any subsequent amendments to the plan. Programs may include but are not limited to:

(a) Substance Abuse
(b) Employment
(c) Educational/Vocational
(d) Financial; i.e., court-related costs, restitutional
(e) Mental Health
(f) CSSF

16. Special conditions by the Pardon and Parole Board.

/S/ **Ernest Harper #92301 9/20/90 S/Kathy Britt, Sr. Cm**

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(Title Omitted in Printing)

(Exhibit A to Response Filed 12/6/93)

OKLAHOMA DEPARTMENT OF CORRECTIONS
FACILITY ASSIGNMENT FORM

Date Stamped **RECEIVED**
MAR 21 1991
Facility Classification Unit

Recommending Facility: D-II PPCS

If Priority S./ A.S.
Population Office Pers. Initial

DOC # 92301 Date of Recommendation 3/14/91

Date Rec'd __/__/__
Population Office

Inmate's Last Name: Harper First: Ernest Race B Sex: M

I. Reason for Transfer (Mark Appropriate Items)

		Current Assigned Security:
___ Initial Placement	___ Service Agency	
___ Security Adjustment	___ House Arrest	
___ Medical Treatment	___ Pre-Hearing Detention	___ Max
___ Program Need	___ Return to Facility After	___ Med
___ Disciplinary Unit:	___ DU	___ Min
___ Number of days	___ Law Library Usage	___ Com Re:
___ Law Library Usage	___ Misconduct Expungement	X HA/PPCS
___ Parole Board Stipulation	___ LARC Re-Evaluation	
___ Mediation Hearing		
___ Transit Detention		
___ Protective Measures		
X Other: Parole Denied by Governor		

II. Brief Description of Reason for Transfer:

Parole Denied by Governor

III. Recommended Transfer:

Program Need Area
1st Priority _____ **Geographic Area** _____
2nd Priority _____ **Geographic Area** _____

IV. FCC Action

Concur: Yes ___
No ___ **If No Reason:** _____
Changed to: _____

Chairperson: /S/ Torrence Patrick Wilkins
Case Manager: /S/ Newt Scott
Inmate's Signature: /S/ Ernest Harper
___ **Routine** /S/ K. King Duvall **Date: 3/14/91**
Case Manager/Supervisor/Coordinator

X **Non-Routine**
Facility Head Review /S/ Bill McCullom **Date: 3/14/91**

(POPULATION OFFICE ACTION)

X **Concur** ___ **Do Not Concur** **Date of Assignment: 3/13/91**

The Inmate is Assigned to: J.L.C.C. **Waiting list:** ___**Yes** X **No**

/S/ Karen Stewart for J.T. **Date of Transfer: 3/14/91**
Signature of Population Coordinator

Forwarded to Coordinator of Facility Class. Date: __/__/__

Assignment Reason:
___ **Concur with Recommendation**
___ **Enhance Treatment Objective**

__ Administrative Adjustment (i.e., to achieve better racial distribution, reduce over-crowding, bedspace, etc.).
__ Other_____

___ Denied _____
Coordinator of Facility Class
Reason: _____

DISTRIBUTION: WHITE - Field File CANARY - Facility Classification
PINK - Inmate Copy

DOC 062040 (REV 9/86)

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

No. 93-C-948-E

(Filed June 20, 1994)

(Title Omitted in Printing)

MOTION FOR APPOINTMENT OF COUNSEL

Petitioner, Ernest E. Harper, pursuant to 42 U.S.C. § 1915, requests this court to appoint counsel to represent him in this case for the following reasons:

1. Petitioner is not able to afford counsel.

2. The issues involved in this case are complex.

3. The last action in this case was filed in excess of 180 days ago giving rise to the complexity of the issues before the Court.

3.[Sic] The prison limits the hours that petitioner may have access to the prison law library and the law materials contained therein are very limited.

4. Petitioner has a limited knowledge of the law.

5. The ends of justice would best be served in this case if an attorney was appointed to represent the petitioner.

/S/ Ernest E. Harper
Ernest Eugene Harper, pro se
D.O.C. #92301
P. O. Box 308-F
Boley, Oklahoma 74829

CERTIFICATE OF MAILING

I, Ernest Eugene Harper, hereby certify that the executed original of the foregoing to which this Certificate is attached was served upon the below named Defense attorney, by placing the same in a sealed, postage fully prepaid envelope and depositing the same in the United States mail recorded at the John H. Lilley Correctional Center, Unit "F", P. O. Box 308, Boley, Oklahoma 74829, on the date set forth below.

Susan Brimer Loving
Attorney General
State of Oklahoma
112 State Capitol Building
Oklahoma City, Oklahoma 73105

Dated: 6-17-94 /S/ Ernest E. Harper
SIGNATURE
ERNEST EUGENE HARPER, PRO SE
P. O. Box 308-F
Boley, Oklahoma 74829

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
No. 93-C-948-E

Ernest Eugene Harper,
Petitioner,
v.
Leroy L. Young, et al.
Respondent.

ORDER
Entered February 28, 1996

Pursuant to the opinion of the Court of Appeals for the Tenth Circuit dated August 30, 1995, the Oklahoma Department of Corrections shall forthwith reinstate Petitioner Ernest Eugene Harper to the Pre-parole Conditional Supervision program (PPCS).[1] Otherwise, the Court will issue the writ of habeas corpus. While on the PPCS program, Petitioner shall not be removed thereform [sic] without compliance with the due process procedure mandated by the Tenth Circuit Court of Appeals in Harper v. Young, Slip Op. No. 95-5026.

On or before twenty (20) days from the date of filing of this order, Respondent shall submit a status report informing the Court whether Petitioner was reinstated to the PPCS program.

SO ORDERED THIS 28th day of Feb., 1996.

/S/ **THOMAS R. BRETT**
THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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[1] On February 26, 1996, this Court received a certified copy of the order and judgment in this case from the Tenth Circuit Court of Appeals.

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

ERNEST EUGENE HARPER,	)	
Petitioner - Appellant,	)	
	)	
v.	)	**No. 95-5026**
	)	
LEROY L. YOUNG AND	)	
ATTORNEY GENERAL OF	)	
OKLAHOMA,	)	
Respondents - Appellees.	)	

ORDER

Filed March 6, 1996

Before SEYMOUR, Chief Judge, MCKAY, and HENRY, Circuit Judges.

This matter comes on for consideration of appellees' motion to recall mandate and application for stay.

Upon consideration whereof, it is ordered that the mandate of this Court issued February 21, 1996, is recalled.

It is further ordered that the mandate is stayed until April 8, 1996, pending certiorari and that if, on or before that date, there is filed with the Clerk of the Court of Appeals a notice from the Clerk of the Supreme Court of the United States that appellees have timely filed a petition for writ of certiorari in the Supreme Court, the stay shall continue until final disposition by the Supreme Court.

Entered for the Court
PATRICK FISHER, Clerk
/S/ By: **Elisabeth A. Shumaker**
Elisabeth A. Shumaker, Chief Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA
Civil Docket For Case No. 93-CV-948

(Title Omitted in Printing)

* * * *

Proceedings include all events.

4:93 cv 948	Harper v. Young, et al.	REOPEN JSW
10/25/93 1	ORIGINAL file, certified copy of transfer order and docket sheet received from Eastern District of OK; Consent form and form letter mailed (ksb) (Entry date 10/26/93)	
10/25/93 1	MOTION by petitioner Ernest Eugene Harper to proceed in forma pauperis (filed in ED/Ok on 10/13/93) (ksb) (Entry date 10/26/93)	
10/25/93 1	ORDER granting motion to proceed in forma pauperis (1-1) (filed in ED/OK on 10/13/93) (ksb) (Entry date 10/26/93)	
10/25/93 1	PETITION for writ of habeas corpus (filed in ED/OK on 10/13/93) (ksb) (Entry date 10/26/93)	
11/4/93 2	ORDER by Chief Judge James O. Ellison; directing respondent to show cause why writ should not issue & file response to petition for WHC w/in 30 days of this date. (cc: all counsel) (ta) (Entry date 11/05/93)	
12/6/93 3	RESPONSE BY respondent Leroy L Young, respondent Attorney General OK to petition for WHC. (1-1) (ta)	

12/13/93 4 REPLY (BRIEF IN OPPOSITION) by petitioner Ernest Eugene Harper re response to petition for WHC. (3-1) (ta)

5/12/94 5 ORDER Case reassigned to Judge Thomas R. Brett (cc: all counsel) (pw) (Entry date 05/13/94)

6/20/94 6 MOTION by petitioner Ernest Eugene Harper for appointment of counsel. (ta)

6/27/94 7 ORDER by Judge Thomas R. Brett denying motion for appointment of counsel. (6-1) (cc: all counsel) (hc)

7/28/94 8 ORDER by Judge Thomas R. Brett re: habeas corpus petition (1-1) - respondnt shall supplmt his Rule 5 resp on or bfr 15 dys from date of entry of this order & Petitioner shall reply w/n 15 days thereafter. (dh) (Entry date 07/29/94)

8/16/94 9 MOTION by respondent Leroy L Young, respondent Attorney General OK to extend time to file supple resp (02J) (ta) (Entry date 08/17/94)

8/17/94 -- LETTER from petitioner Ernest Eugene Harper - sent to LC5 (pw)

8/18/94 10 ORDER by Judge Thomas R. Brett granting motion to extend time to file supple resp (9-1) until 9-25-94 (cc: mvt counsel) (pw) (Entry date 08/19/94)

8/19/94 11 OBJECTIONS by petitioner Ernest Eugene Harper to mot/enlrgmt of time to file supplemental resp (9-1) (Cpy2LC) (dh) (Entry date 08/22/94)

Docket as of July 16, 1996 11:51 am

Proceedings include all events. REOPEN
4:93 cv948 Harper v. Young, et al JSW

8/25/94 12 RESPONSE by respondent Leroy L Young, respondent Attorney General OK to order dated 7/28/94 (8-1) (dh) (Entry date 08/26/94)

8/30/94 13 REPLY by petitioner Ernest Eugene Harper to respondent's supplemental response to petition (1-1) (1-1) (dh)

1/9/95 14 ORDER ENTERED by Chief Judge Thomas R. Brett denying petition for a writ of habeas corpus (1-1) terminating case (cc: all counsel) (dh) (Entry date 01/10/95)

2/6/95 15 NOTICE OF APPEAL by petitioner Ernest Eugene Harper from Dist. Court decision, (14-2) (cc: all counsel, c21c5) (sf) (Entry date 02/07/95) (Edit date 02/07/95)

2/6/95 16 MOTION by petitioner Ernest Eugene Harper for certificate of probable cause (c21c5), and for leave to appeal in forma pauperis (c21c5) (sf) (Entry date 02/07/95)

2/13/95 17 ORDER by Chief Judge Thomas R. Brett granting motion for certificate of probable cause (16-1), denying motion for leave to appeal in forma pauperis as moot (16-2) for certificate of probable cause (cc: all counsel) (sf)

2/22/95 -- NOTIFICATION by Circuit Court of Appellate Docket Number 95-5026 (jcm)

2/22/95 -- RECORD on Appeal sent to Circuit Court re (15-1) (jcm)

3/13/95 -- NOTIFICATION by Circuit Court of Appellate Docket Number 95-5026 (jcm)

2/26/96 18 CERTIFIED COPY of judgment from USCA reversing and remanding the Decision of the District Court [Appeal [15-1] w/instructions to issue w/HC unless Mr. Harper is reinstated to Program by State of OK. After reinstatement, any attempt to remove Mr. Harper from Program must comply w/procedures mandated by this opinion; (cc: TRB-5) (cpo) (Entry date 02/27/96)

2/28/96 19 ORDER by Chief Judge Thomas R. Brett pursuant to opinion of 10th Cir. dated 8/30/95 ODC shall reinstate Petnr to Pre-parole Conditional Supervision program (PPCS), otherwise Crt issue w/HC; while on PPCS program, Petnr shall not be removed w/o compliance w/due process procedure mandated by 10th Cir.; w/i 20 days from filing of this O, Respondent submit status rpt informing Crt whether Ptnr reinstated to PPCS program, (cc: all counsel) (cpo) (Entry date 02/29/96)

Docket as of July 16, 1996 11:51 am

Proceedings include all events. REOPEN
4:93 cv 948 Harper v. Young, et al JSW

3/6/96 20 STATUS REPORT by respondent Leroy L Young pursuant to Crt's O; advising: on 2/26/96 a m/recall mandate and m/stay fld in 10th Cir; Respondent has not reinstated Petnr to PPCS and requests not ordered to do so until ruling by 10th Cir; and if 10th Cir. denies mtn, Respondent will request stay of mandate from U.S. Supreme Crt; (C21c, mail-cpy rtnd) (cpo) (Entry date 03/07/96) (Edit date 03/07/96)

3/11/96 21 COPY of Order from Circuit Court: upon Appellees' motion to recall mandate and mtn to stay; mandate of Crt issued 2/21/96 is recalled; mandate stayed until 4/8/96 pending certiorari, if on/before that date, there is filed w/Clk of Crt of App a ntc from Clk of Supreme Crt that appellees timely filed p/writ of cert in Supreme Crt, stay shall continue until final disposition by supreme crt (cc: TRB-5) (cpo) (Entry date 03/12/96)

3/14/96 -- REMARK; original mandate returned to 10th per order of 2/26. (am)

4/19/96 -- LETTER from USCA re (15-1); clerk of supreme ct has notified US Ct of appeals that a petition for writ of certiorari was filed in case on 4/4/96 and assigned supreme ct number 95-1598 (sad) (Entry date 04/22/96)

6/6/96 -- LETTER from USCA re (15-1) advising certiorari granted on 5/28/96; Supreme Crt No. 95-1598 (cpo) (Entry date 06/07/96)

7/11/96 -- LETTER from USCA re (15-1) advising certiorari has been granted; 10th no longer in possession of DC record; DC to transmit record to US Supreme Crt (Sup Crt no. 95-1598) (cpo) (Entry date 07/16/96)

7/11/96 -- LETTER from USCA address to Supreme Crt re (15-1) encl certiorari record; advising DC will forward record on appeal (cpo) (Entry date 07/16/96)

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

General Docket For
Tenth Circuit Court of Appeals

(Title Omitted in Printing)

* * * *

Docket as of March 20, 1996 0 15 am Page 3

Proceedings include all events.
95-5026 Harper v. Young, et al

2/15/95	Civil Case docketed. Certificate of probable cause due 3/20/95 for Ernest Eugene Harper N district court. (tl)
2/17/95	Pro se docketing statement filed by Ernest Eugene Harper. Original and 0 copies c/s. y. (tl)
2/21/95	Notification of granting of probable cause in district court (tl)
2/24/95	Pro se notice of appearance filed by Ernest Eugene Harper. CERT. OF INTERESTED PARTIES (y/n): n (oac)
2/24/95	Appellant's brief filed by Ernest Eugene Harper. Original and 2 copies. c/s y. Served on 2/13/95 Oral argument? pro se (oac)

2/24/95	Record on appeal filed: I Volume(;) - Copy filed in Volume(s) (y/n): y. Served on 2/22/95 (oac)
3/2/95	Notice of appearance filed by Jennifer B. Miller as attorney for Leroy L. Young. CERT OF INTERESTED PARTIES (y/n): n (tl)
3/7/95	Jurisdictional review complete. Record on appeal due 3/17/95 from dist. court; Notice of appearance due 3/17/95 for Jennifer B. Miller; (Appellant's pro se brief and notice of appearance already filed). (ss)
3/7/95	Order filed by PF - Appellee's brief due 4/6/95 for Attorney General. for Leroy L. Young pursuant to FRAP 31(a) and Rule 31.2. (No formal order. this is pursuant to jur. rvw complete. appellant's brief has been filed). Parties served by mail. (ss)
3/16/95	Pro se notice of appearance filed by Ernest Eugene Harper. CERT OF INTERESTED PARTIES (y/n): n (tl)
3/17/95	Notice of appearance filed by Jennifer B. Miller as attorney for Leroy L. Young. CERT. OF INTERESTED PARTIES (Y/N): n (tl)
4/5/95	Appellee's brief filed by Leroy L. Young. Attorney General. Original and 7 copies. /s: y. Served on 4/3/95 Oral Argument? n Appellant's optional reply brief due 4/20/95 for Ernest Eugene Harper (tc)

4/13/95 Appellant's reply brief filed by Ernest Eugene Harper. Original and 3 copies. c/s. y (pdw)

4/28/95 Case submitted to panel on the briefs pursuant to Rule 34. (tl)

Docket as of March 20, 1996 0:15 am Page 4

Proceedings include all events.
95-5026 Harper v. Young, et al

8/30/95 Terminated on the Merits after Submission Without Oral Hearing; Reversed and Remanded. Written Signed, Published. Seymour, McKay. authoring Judge; Henry [95-5026] (tl)

9/15/95 Petition for rehearing in banc filed by Leroy L. Young, Attorney General. Original and 7 copies c/s y (tl)

9/15/95 Document [884878-1] Petition for rehearing in banc filed by Appellee Leroy L Young, Attorney General submitted to panel. (tl)

9/25/95 Order filed by Judge(s) Seymour, Moore, Anderson, Tacha, Baldock, Brorby, Ebel, Kelly, Henry, Briscoe, Lucero, McKay - appellee's response to petition for rehearing due 10/10/95 for Attorney General. Parties served by mail. (tl)

10/6/95 Appellant's response filed by Ernest Eugene Harper Petition for rehearing in banc and submitted to panel. Original and 12 copies. c/s: y (tl)

1/25/96 Appellant's motion for enlargement on personal recognizance bond without surety and brief in support of filed by Appellant Ernest Eugene Harper [95-5026] Original and 3 copies c/s: y (tl)

1/29/96 Appellee's response to request for enlargement on personal recognizance bond without surety filed by Leroy L. Young, Attorney General. Original and 3 copies. C/s: y (tl)

1/29/96 Appellant's request for enlargement on personal recognizance bond with surety and brief in support of and appellee's response submitted to panel. (tl)

2/13/96 Order filed by Judge(s) Seymour, McKay, Porfilio, Anderson, Tacha, Baldock, Brorby, Ebel, Kelly, Henry, Briscoe, Lucero. Murphy denying Petition for rehearing in banc (884878-1) (tc)

2/16/96 Order filed by Judge(s) Seymour, McKay, Henry denying Appellant/Petitioner request for enlargement on personal recognizance bond without surety. (Considered as a motion for release.) [915606-1] Parties served by mail. (OAC)

2/21/96 Mandate issued. (tl)

2/26/96 Appellee's motion to to recall the mandate and for stay pending certiorari and brief in support of filed by Leroy L. Young, Attorney General and submitted to panel. (tl)

Proceedings include all events
95-5026 Harper v. Young, et al

2/28/96 Order filed by Judge(s) Seymour, McKay, Porfilio, Anderson, Tacha, Baldock, Brorby, Ebel, Kelly, Henry, Briscoe, Lucero, Murphy correcting 2/13/96 order denying petition for rehearing and suggestion for hearing in banc to state that Judges Anderson, Tacha, Baldock, Brorby and Kelly voted to grant rehearing
Parties served by mail (tl)

3/4/96 Mandate receipt filed (tl)

3/6/96 Order filed by Judge(s) Seymour, McKay, Henry, granting Appellee/Respondent motion to recall the mandate [924081-1] Returned mandate receipt due 3/18/96 for Beebe, Caslavka, granting Appellee/Respondent motion for stay of mandate pending filing of certiorari. Response due for Attorney General 4/8/96 [924081-2] 4/8/96 for Attorney General Parties served by mail. (tl)

3/8/96 Appellant's response filed by Ernest Eugene Harper to Appellee motion to recall the mandate and submitted to panel. Original and 3 copies. c/s: y (tl)

3/18/96 Recalled mandate returned from district court (tl)

3/18/96 Appellant's motion for review by the court of the Order of the clerk filed by Appellant Ernest Eugene Harper (docketed as motion to reconsider court's order of 3/6/96.) Original and 3 copies c/s: y. (tl)

3/19/96 Appellant's motion for reconsideration submitted to panel. (tl)